

Exhibit B

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of Fulton County

For Clerk Use Only

Date Filed _____
MM-DD-YYYY

Case Number _____

Plaintiff(s)

Gore, Michelle

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Defendant(s)

New Prime, Inc.

Last First Middle I. Suffix Prefix

ACE American Insurance Company

Last First Middle I. Suffix Prefix

Cooper, Tyler Lee

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney _____ State Bar Number _____ Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- ☒ Automobile Tort
☐ Civil Appeal
☐ Contempt/Modification/Other Post-Judgment
☐ Contract
☐ Garnishment
☐ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Contempt
☐ Non-payment of child support, medical support, or alimony
☐ Dissolution/Divorce/Separate Maintenance/Alimony
☐ Family Violence Petition
☐ Modification
☐ Custody/Parenting Time/Visitation
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

- ☒ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

22EV001897

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

_____ Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

GEORGIA, FULTON COUNTY

DO NOT WRITE IN THIS SPACE

STATE COURT OF FULTON COUNTY
Civil Division

CIVIL ACTION FILE #: _____

Michelle Gore

Plaintiff's Name, Address, City, State, Zip Code

vs.

ACE American Insurance Company
289 S Culver Street

Lawrenceville GA 30046

Defendant's Name, Address, City, State, Zip Code

TYPE OF SUIT	AMOUNT OF SUIT
<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ _____
<input type="checkbox"/> CONTRACT	
<input type="checkbox"/> NOTE	INTEREST \$ _____
<input type="checkbox"/> TORT	
<input checked="" type="checkbox"/> PERSONAL INJURY	ATTY. FEES \$ _____
<input type="checkbox"/> FOREIGN JUDGMENT	
<input type="checkbox"/> TROVER	COURT COST \$ _____
<input type="checkbox"/> SPECIAL LIEN	

<input type="checkbox"/> NEW FILING	
<input checked="" type="checkbox"/> RE-FILING: PREVIOUS CASE NO. <u>22EV001897</u>	

SUMMONS

TO THE ABOVE NAMED-DEFENDANT:

You are hereby required to file with the Clerk of said court and to serve a copy on the Plaintiff's Attorney, or on Plaintiff if no Attorney, to-wit:

Name: Thomas O. Rainey, IVAddress: 191 Peachtree Street NE, Suite 4200City, State, Zip Code: Atlanta, GA 30303Phone No.: 404-965-1934

An answer to this complaint, which is herewith served upon you, must be filed within thirty (30) days after service, not counting the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint, plus cost of this action. **DEFENSES MAY BE MADE & JURY TRIAL DEMANDED**, via electronic filing or, if desired, at the e-filing public access terminal in the Self-Help Center at 185 Central Ave., S.W., Ground Floor, Room TG300, Atlanta, GA 30303.

Donald Talley, Chief Clerk (electronic signature)

SERVICE INFORMATION:

Served, this _____ day of _____, 20_____.

DEPUTY MARSHAL, STATE COURT OF FULTON COUNTY

WRITE VERDICT HERE:

We, the jury, find for _____

This _____ day of _____, 20_____. _____ Foreperson

(STAPLE TO FRONT OF COMPLAINT)

GEORGIA, FULTON COUNTY

DO NOT WRITE IN THIS SPACE

STATE COURT OF FULTON COUNTY
Civil Division

CIVIL ACTION FILE #: _____

Michelle Gore

Plaintiff's Name, Address, City, State, Zip Code

vs.

New Prime, Inc.

9040 Roswell Road, Suite 500

Atlanta GA 30350

Defendant's Name, Address, City, State, Zip Code

TYPE OF SUIT	AMOUNT OF SUIT
<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ _____
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<input type="checkbox"/> NOTE	INTEREST \$ _____
<input type="checkbox"/> TORT	
<input checked="" type="checkbox"/> PERSONAL INJURY	ATTY. FEES \$ _____
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<input type="checkbox"/> TROVER	COURT COST \$ _____
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GEORGIA, FULTON COUNTY

DO NOT WRITE IN THIS SPACE

STATE COURT OF FULTON COUNTY

Civil Division

CIVIL ACTION FILE #: _____

Michelle Gore

Plaintiff's Name, Address, City, State, Zip Code

vs.

Tyler Lee Cooper

284 Nash Road

Moore SC 29369

Defendant's Name, Address, City, State, Zip Code

TYPE OF SUIT	AMOUNT OF SUIT
<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ _____
<input type="checkbox"/> CONTRACT	
<input type="checkbox"/> NOTE	INTEREST \$ _____
<input checked="" type="checkbox"/> TORT	
<input type="checkbox"/> PERSONAL INJURY	ATTY. FEES \$ _____
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This _____ day of _____, 20____. _____ Foreperson

(STAPLE TO FRONT OF COMPLAINT)

**IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA**

MICHELLE GORE, Plaintiff, vs. NEW PRIME, INC., ACE AMERICAN INSURANCE COMPANY, and TYLER LEE COOPER, Defendants.	Civil Action File No. _____ DEDMAND FOR TRIAL BY A TWELVE PERSON JURY
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COMPLAINT

COME NOW Plaintiff Michelle Gore and makes and files this Complaint against Defendants New Prime, Inc., ACE American Insurance Company and Tyler Lee Cooper, stating as follows:

PROCEDURAL HISTORY

1.

This is a renewal action that is filed and brought by Plaintiff pursuant to O.C.G.A. §§ 9-2-61 and 9-11-41.

2.

Plaintiff originally filed this action against the above-named Defendants on March 25, 2022, known as Michelle Gore v. New Prime, Inc., Ace American Insurance Company and Tyler Lee Cooper, Fulton County State Court, Civil Action File No. 22EV001897.

3.

On September 19, 2022, the prior pending action was dismissed without prejudice.

4.

Plaintiff hereby refiles and renews this action within the six-month period as prescribed by the Georgia Civil Practice Act.

PARTIES, JURISDICTION AND VENUE

5.

Plaintiff is a resident of the State of Georgia and suffered objective personal injuries in an automobile-crash that occurred on January 23, 2021 in Fulton County, Georgia. By bringing this action, Plaintiff subjects herself to the jurisdiction of this Court.

6.

Defendant New Prime, Inc. is a for profit corporation, general freight long-distance trucking business and is authorized to transact business in the State of Georgia. Defendant New Prime, Inc. is subject to the jurisdiction and venue of this Court pursuant to the Georgia Long-Arm Statute and O.C.G.A. § 40-1-117. Defendant New Prime, Inc. may be served through its registered agent, Incorp Services, Inc. at 9040 Roswell Road, Suite 500, Atlanta, GA 30350.

7.

Defendant ACE American Insurance Company is a foreign corporation and may be served through its registered agent C T Corporation System at 289 S Culver St, Lawrenceville, GA 30046-4805 and is subject to the jurisdiction of this court. Plaintiff has named Defendant ACE American Insurance Company under Georgia's Direct Action Statute, codified at O.C.G.A. § 46-7-12. This court has personal jurisdiction and venue over ACE American Insurance Company because it regularly transacts business and derives profits from business activities in Georgia, and because venue is proper as to one or more of the other Defendants in this action.

8.

Defendant Tyler Lee Cooper is the driver of the Tractor-Trailer involved in the subject crash. Defendant Tyler Lee Cooper is a nonresident motorist and is subject to the jurisdiction of this Court pursuant to O.C.G.A. § 90-10-91, as well as the Georgia Nonresident Motorist Act pursuant to O.C.G.A. §§ 40-12-1, 40-12-2. Defendant Tyler Lee Cooper may be served pursuant to O.C.G.A. §§ 40-12-1, 40-12-2 at 284 Nash Road, Moore, SC 29369 and is subject to the jurisdiction of this court.

9.

Jurisdiction and venue are proper in this court.

OPERATIVE FACTS

10.

On or about January 23, 2021, Plaintiff was traveling south on I-285 in Fulton County, Georgia, in a 2018 Chevrolet Trax 1LT.

11.

At or about the same time and location, Defendant Tyler Lee Cooper, an employee or agent driver of Defendant New Prime, Inc., was driving a 2019 Freightliner Tractor-Trailer southbound on I-285 in Fulton County, Georgia, traveling directly behind Plaintiff's vehicle.

12.

At all material times, Defendant Tyler Lee Cooper was operating a commercial motor vehicle on behalf of Defendant New Prime, Inc.

13.

Suddenly and without warning, Defendant Tyler Lee Cooper negligently, carelessly and recklessly made an improper lane change, and Defendants Tractor-Trailer struck a 2012 Toyota

Camry, which caused the 2012 Toyota Camry to spin out of control and violently collided with Plaintiff's vehicle.

14.

At all material times, Defendant Tyler Lee Cooper failed to pay proper attention to the vehicles traveling in front of him, was distracted, following too closely, and failed to bring the commercial vehicle he was operating to a controlled stop behind Plaintiff's vehicle.

15.

As a result of the crash, Plaintiff sustained serious injuries which required surgical intervention and medical care.

16.

As a result of this collision, Plaintiff has incurred significant medical and rehabilitative expenses. Plaintiff will incur additional medical and rehabilitative expenses in the future.

COUNT I – NEGLIGENCE

17.

Plaintiff realleges and incorporates herein the allegations contained in the above paragraphs as if fully restated.

18.

Defendant Tyler Lee Cooper was negligent in operating Defendant New Prime, Inc.'s commercial vehicle.

19.

Defendant Tyler Lee Cooper's negligence for which Co-Defendant is liable includes, but is not limited to, one or more of the following: Improper lane change; Following too closely; Negligently causing a collision in the roadway; Negligently failing to maintain his commercial

motor vehicle under proper control; Negligently failing to keep a proper lookout; Negligently failing to use or sound a signal or warning; Negligently failing to make timely and proper application of brakes; and Any other acts of negligence that may be proven at trial.

20.

Defendant Tyler Lee Cooper was negligent *per se* for improper lane change in violation of O.C.G.A. § 40-6-123.

21.

Plaintiff was not negligent.

22.

Defendant Tyler Lee Cooper's negligence is the sole and proximate cause of the collision, and Plaintiff's resulting objective injuries.

COUNT II – IMPUTED LIABILITY

23.

Plaintiff realleges and incorporates herein the allegations contained in the above paragraphs as if fully restated.

24.

At the time of the subject collision, Defendant Tyler Lee Cooper was under dispatch for Defendant New Prime, Inc.

25.

At the time of the subject collision, Defendant Tyler Lee Cooper was operating the commercial vehicle on behalf of Defendant New Prime, Inc.

26.

At all relevant times, Defendant Tyler Lee Cooper was acting at the direction and under the control of Defendant New Prime, Inc. Defendant Tyler Lee Cooper was an agent and employee of Defendant New Prime, Inc. Defendant Tyler Lee Cooper was operating the commercial vehicle in the course and scope of his employment with Defendant New Prime, Inc. and with Defendant New Prime, Inc.'s permission.

27.

Defendant New Prime, Inc. is an interstate motor carrier, and pursuant to federal and state laws, is responsible for the actions of Defendant Tyler Lee Cooper in regard to the collision described in this Complaint under the doctrine of lease liability, agency, or apparent agency.

28.

Defendant New Prime, Inc. is liable for the actions and omissions of Defendant Tyler Lee Cooper through *respondeat superior* and agency principles because, at all relevant times, Defendant Tyler Lee Cooper was acting within the course and scope of his employment and/or agency.

COUNT III – NEGLIGENT HIRING, TRAINING & SUPERVISION

29.

Plaintiff realleges and incorporates herein the allegations contained in the above paragraphs as if fully restated.

30.

Defendant New Prime, Inc. was negligent in hiring Defendant Tyler Lee Cooper and entrusting him to drive a tractor-trailer.

31.

Defendant New Prime, Inc. was negligent in failing to properly train Defendant Tyler Lee Cooper.

32.

Defendant New Prime, Inc. was negligent in failing to properly supervise Defendant Tyler Lee Cooper.

33.

Defendant New Prime, Inc. negligently hired, supervised, trained, and retained Defendant Tyler Lee Cooper and negligently entrusted driving responsibilities to Defendant Tyler Lee Cooper. Defendant New Prime, Inc. negligently failed to implement and utilize proper procedures to evaluate Defendant Tyler Lee Cooper's skills and expertise for the operation of Defendant New Prime, Inc.'s commercial vehicle.

34.

Defendant New Prime, Inc.'s negligence in hiring Defendant Tyler Lee Cooper and entrusting him with driving a commercial vehicle and failing to train and supervise him properly was the sole and proximate cause of the collision, and Plaintiff's resulting severe and permanent injuries.

COUNT IV – DIRECT ACTION

35.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 30 above as if fully restated.

36.

Defendant ACE American Insurance Company is subject to a direct action as the insurer for Defendant New Prime, Inc. pursuant to O.C.G.A. § 40-2-140.

37.

Defendant ACE American Insurance Company was the insurer of Defendant New Prime, Inc. at the time of the subject incident and issued a liability policy to comply with the filing requirements under Georgia law for interstate transportation.

38.

Defendants New Prime, Inc. and ACE American Insurance Company are subject to the filing requirements outlined in O.C.G.A. § 40-2-140.

39.

Defendant ACE American Insurance Company is responsible for any judgment rendered against Defendants New Prime, Inc. and Tyler Lee Cooper.

COUNT V – DAMAGES

40.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 35 above as if fully restated.

41.

As a result of Defendants' negligence, Plaintiff has a claim for past and future medical expenses and past and future lost wages.

42.

As a result of Defendants' negligence, Plaintiff has suffered severe and permanent injuries and has a claim for past and future pain and suffering.

43.

Each of the foregoing acts and omissions constitutes an independent act of negligence. The injuries sustained by Plaintiff were directly and proximately caused by one or more of the negligent acts and omissions stated above, for which Defendants are directly and/or vicariously liable.

44.

As a proximate result of this collision and Defendants' negligence, Plaintiff has suffered, and continues to suffer from, injuries to her body and mind. Plaintiff claims general and compensatory damages for all components of mental and physical pain and suffering as allowed by Georgia law.

45.

Plaintiff claims special damages for the reasonable value of her past and future medical and rehabilitative treatment, including expenses for hospital services, doctors, surgery, and other healthcare services incurred or necessary in the future because of her injuries.

46.

Plaintiff is entitled to recover all elements of damages allowed under applicable law and supported by the evidence, including but not limited to: Personal injuries; All elements of past, present and future pain and suffering, both mental and physical; Permanent Injury; Past and future medical and incidental expenses; Lost wages; and Lost earning capacity.

47.

Defendants' conduct was reckless, willful and wanton, and demonstrates a conscious indifference to the consequences of their actions and entitles Plaintiff to an award of punitive damages.

48.

As a result of Defendants' and their agents' bad faith, stubborn litigiousness, and the unnecessary trouble and expense Defendants have caused, Plaintiffs are entitled to recover all expenses and attorney's fees pursuant to O.C.G.A. § 13-6-11.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment to be entered against Defendants as follows:

- a) Medical, doctor, and rehabilitation expenses in an amount to be proven through the evidence at the time of trial for the past, present and future;
- b) All elements of physical and mental pain and suffering compensable under Georgia law, for the past, present and future;
- c) All general, special, compensatory, economic, incidental, consequential, punitive, fees, expenses, and all other permissible damages and expenses supported by the evidence in an amount to be determined by the enlightened conscience of an impartial jury at trial;
- d) That a jury be impaneled to resolve all factual disputes; and
- e) All further losses and recovery as deemed proper by the Court.

TRIAL BY A TWELVE PERSON JURY IS HEREBY DEMANDED

Respectfully submitted, this 14th day of Marc, 2023.

MORGAN & MORGAN ATLANTA, PLLC

/s/ Thomas O. Rainey, IV

Thomas O. Rainey, IV

Georgia Bar No.: 566137

Attorneys for Plaintiff

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Atlanta, Georgia 30343-1007
P: (404) 965-1934
F: (470) 639-6920
TRainey@forthepeople.com